

PATRICK L. FORTE, #80050
ANNE Y. SHIAU, #273709
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 10-46371 MEH

**ANIBAL GIFFONI and
PAULA TAVARES GIFFONI,**

Chapter 13

Debtors.

MOTION TO MODIFY CHAPTER 13 PLAN

_____/

The above-named debtors apply to the court for an order to modify their Chapter 13 Plan as follows:

The Chapter 13 Trustee shall not disburse any funds to Bank of America's claim, claim #12-1, for the pre-petition mortgage arrears for six (6) months from the date that this motion is filed, as the Debtors are in the process of obtaining a loan modification and are currently making trial payments. If the loan modification is not completed, Debtors will file a motion to surrender the property.

The modification is sought on the following grounds:
Debtors are currently in the process of obtaining a loan modification on

1 the loan held by Bank of America for the real property located at 4844
2 Belford Peak Way, Antioch, CA 94531. Debtors began making their first of
3 three trial payments towards the loan modification in September 2013. The
4 loan modification will include the pre-petition mortgage arrears.

5
6 Dated: September 13, 2013

7 /s/ Anne Y. Shiau
8 ANNE Y. SHIAU
9 Attorney for Debtors
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26